

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 11TH JUNE 2007 / 21ST JYASHTA 1929

Crl.Rev.Pet.No. 2295 of 2007(E)

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CRA.268/2006 of ADDL. DISTRICT & SESSIONS COURT (ADHOC-I),  
THODUPUZHA  
ST.677/2005 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, IDUKKI  
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REVN. PETITIONER: APPELLANT/ACCUSED

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JOSE JOSEPH, S/O.JOSEPH  
VELAMKUNNEL HOUSE, UPPUTHODU KARA  
UPPUTHODU VILLAGE, IDUKKI DIST.

BY ADV. SRI.JOHNSON P.JOHN  
SRI.RAJU SEBASTIAN VADAKKEKKARA

RESPONDENTS: RESPONDENT/COMPLAINANT & STATE

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1. TOMY THOMAS, S/O.THOMAS  
KULAPURATH HOUSE, UPPUTHODU KARA  
UPPUTHODU VILLAGE, IDUKKI DIST.
  2. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION  
ON 11/06/2007, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

**K.R.UDAYABHANU, J**

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CRL.R.P.No.2295 of 2007  
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Dated this the 11<sup>th</sup> day of June, 2007

**O R D E R**

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for six months and to pay a compensation of Rs.1,00,000/- to the complainant vide Section 357(3) of the Code of Criminal Procedure and in default, to undergo simple imprisonment for three months.

2. Counsel for the revision petitioner has only sought for modification of the sentence and time to pay the amount of compensation. In the circumstances, the sentence is modified to imprisonment till the rising of the court. The rest of the sentence is confirmed. Revision petitioner is granted six months' time from today onwards to remit the compensation amount. He shall appear before the Judicial First Class Magistrate Court-I, Idukki on 10.12.2007 to receive the sentence. Non bailable warrant pending, if any, shall be kept in abeyance till 10.12.2007.

The criminal revision petition is disposed of as above.

**K.R.UDAYABHANU,  
JUDGE**